

10/04/04

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BFW

Practitioner's Docket No. 49794 (70904)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: J. Akiyama, et al.

U.S. SERIAL NO.: 09/560,522

GROUP: 2653

FILED: April 28, 2000

EXAMINER: Vuong, Bach Q.

FOR: OPTICAL DISK, OPTICAL REPRODUCTION DEVICE, AND
OPTICAL RECORDING DEVICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)**

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed April 5, 2004, finally rejecting claims 14-16.

The item(s) checked below are appropriate:

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and designated by the "Express Mail" mailing label No. EV 437816464 US on October 1, 2004.

10/05/2004 MAHMED1 00000060 09560522

01 FC:1401

340.00 0P

By: Kathryn A. Grindrod
Kathryn A. Grindrod

10/05/2004 MAHMED1 00000060 09560522

02 FC:1254

580.00 0P

(Notice of Appeal from the Primary Examiner to Board—page 1 of 4)

1. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a small entity.
☐ a small entity.
A statement:
☐ is attached.
☐ was already filed.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

- ☐ small entity \$170.00
☒ other than a small entity \$340.00

Notice of Appeal fee due \$340.00

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$430.00	\$215.00
<input type="checkbox"/> three months	\$980.00	\$490.00
<input checked="" type="checkbox"/> four months	\$1,530.00	\$765.00
<input type="checkbox"/> five months	\$2,080.00	\$1,040.00

Fee \$ 1,530.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- (a) ☒ An extension for 3 months has already been secured, and the fee paid therefore of \$ 950.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$580.00.

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 340.00
Extension fee (if any) \$ 580.00
TOTAL FEE DUE \$ 920.00

5. FEE PAYMENT

☒ Attached is a check in the sum of \$920.00.
☐ Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY


NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

[X] If any additional extension and/or fee is required, this is a request therefore and to charge
Account No. 04-1105.

AND/OR

[X] If any additional fee for claims is required, charge Account No. 04-1105.

Date: October 1, 2004



SIGNATURE OF PRACTITIONER
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